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From: Adrian Lee for RICK D. NYDEGGER

Comments: Please see attached.

Docket No.: 13768.119

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TRANSMITTAL LETTER (General - Patent Pending)	Docket No. 13768.119
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In Re Application Of: Alexander I. Hopemann, et al.

OfficialDEPT OF
7-2-03Serial No.
09/412,738Filing Date
July 2, 2003Examiner
Dustin NguyenGroup Art Unit
2157

Title: SYSTEMS AND METHODS FOR DETECTING AND RESOLVING RESOURCE CONFLICTS

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Facsimile Cover Sheet (1 page)
 Transmittal Letter (1 page)
 Certificate of Facsimile Transmission (1 page) *3 pages*
 Request To Accept Correspondence As Timely Filed (3 pages)
 Verified Statement of Adrian J. Lee (2 Pages)
 Exhibits A, B, C and D of the Verified Statement (25 pages)

in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
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Dated: July 2, 2003

ADRIAN J. LEE
 Attorney for Applicant
 Reg. No.: 42,785

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc:

FILED VIA FACSIMILE

PATENT APPLICATION
Docket: 13768.119

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Official

In re application of

Alexander I. Hopmann, et al.

Serial No.: 09/412,738

) Art Unit
)) 2157

Conf No.: 1043

Filed: October 4, 1999

For: SYSTEMS AND METHODS FOR DETECTING
AND RESOLVING RESOURCE CONFLICTS

Examiner: Dustin Nguyen

CERTIFICATE OF FACSIMILE TRANSMISSION

**Assistant Commissioner for Patents
Alexandria, VA 22313-1450**

Sir:

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- Facsimile Cover Sheet (1 page)
 - Transmittal Letter (1 page)
 - Certificate of Facsimile Transmission (1 page)
 - Request To Accept Correspondence As Timely Filed (3 pages)
 - Verified Statement of Adrian J. Lee (2 pages)
 - Exhibits A, B, C and D to the Verified Statement (25 pages)

Dated this 2nd of July, 2003.

Respectfully submitted,



ADRIAN J. LEE
Registration No. 42,785
Attorney for Applicant



022913

PATENT TRADEMARK OFFICE

Official

FILED VIA FACSIMILE TRANSMISSION

PATENT APPLICATION
Docket No. 13768.119

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Alexander I. Hopmann, et al.)
Serial No.: 09/412,738) Art Unit
Conf No.: 1043) 2157
Filed: October 4, 1999)
For: SYSTEMS AND METHODS FOR DETECTING)
AND RESOLVING RESOURCE CONFLICTS)
Examiner: Dustin Nguyen)

RECEIVED
1203**REQUEST TO ACCEPT CORRESPONDENCE AS TIMELY FILED**

Assistant Commissioner for Patents
 Alexandria, VA 22313-1450

Dear Sir:

This is a request to accept correspondence as timely filed under 37 C.F.R. §1.8(b). Applicants express appreciation to the Petitions Examiner for taking time on Wednesday, July 2, 2003 to briefly discuss this matter with the undersigned.

As noted in the accompanying verified statement, the salient facts are the following. On January 17, 2003, applicants' attorney held an Examiner Interview with the Examiner in which a facsimile number was provided for use when filing the amendment that was prepared based upon the Examiner Interview.¹ On January 21, 2003, applicant's attorney (and his staff) attempted to transmit by facsimile Amendment A using the number provided. That same day, after calling the Examiner to confirm receipt, it was learned that the Examiner had not received the transmission. The Examiner then provided a second facsimile number to be used to transmit the amendment.

On January 21, 2003, Amendment A (including a Rule 1.8 Certificate of Facsimile Transmission and a Fax Cover Sheet) was transmitted to the second facsimile number provided

¹ The facsimile number was provided by the Examiner as the Office Action did not provide a facsimile number that could be used for filing amendments.

by the Examiner. The facsimile machine internal to the undersigned's law firm then generated a successful transaction report indicating that all 20 pages had been received. The Examiner was again called to confirm receipt, and a voice mail was left indicating that the re-transmission had been confirmed on our end.

37 C.F.R. §1.8(b) allows correspondence to be considered as timely filed if three conditions are met.

First, 37 C.F.R. §1.8(b)(1) requires that the party who forwarded the correspondence "[i]nform[] the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence." On June 13, 2003, one of our paralegals, Ms. Holt, received a telephone call from the Examiner asking if the applicants' attorney had filed an amendment for entry in the above-identified patent application. She informed the Examiner that Amendment A had been faxed on January 21, 2003, and sent shortly thereafter by facsimile a courtesy copy of Amendment A, including the Certificate of Facsimile Transmission, the Facsimile Cover Sheet, and the Transmission Report. She then informed applicant's attorney of this telephone call on June 19, 2003. On that same day (June 19, 2003), the applicant's attorney also contacted the Examiner to confirm that the courtesy copy of Amendment A and accompanying papers had been received.

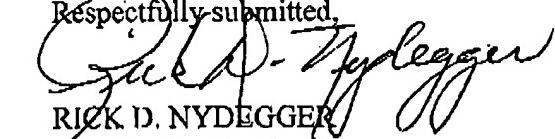
Second, 37 C.F.R. §1.8(b)(2) requires that the party who forwarded the correspondence "[s]uppl[y] an additional copy of the previously mailed or transmitted correspondence and certificate." As noted, Ms. Holt transmitted the additional courtesy copy to the Office in response to her conversation with the Examiner of June 13, 2003. The Petitions Examiner confirmed that the additional copy is already of record in the PTO file of the above-identified application, and indicated that no further copy is required. The copy of the Amendment A and accompanying documents (attached as Exhibits A through D to the verified statement) are true copies of the originals as transmitted to the Office on January 21, 2003, and are true copies of the courtesy copy of these same papers as provided by Ms. Holt.

Lastly, 37 C.F.R. §1.8(b)(3) requires that the party who forwarded the correspondence "[i]nclude[] a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission." The foregoing facts are fully set forth in the accompanying Verified Statement. This section further states that "[i]f the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement." As already noted, a copy of the sending unit's transaction report confirming transmission is already of record in the PTO file, as acknowledged by the Petitions Examiner, and is also attached as Exhibit D.

In view of the foregoing, Applicants request that Amendment A be accepted as timely filed on the date originally transmitted (January 21, 2003).

Respectfully submitted this 2nd day of July, 2003.

Respectfully submitted,



RICK D. NYDEGGER
Attorney for Applicants
Registration No. 28,651



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